REMARKS

Claims 1-6 and 8-35 are pending. Claim 7 has been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

In an interview held on 21 January 2009, the undersigned discussed claims 1 and 2 with examiners Mancho and Black. The Kajiwara reference was discussed in detail, and examiner Mancho explained how, in his opinion, claims 1 and 2 currently can be rejected based on the Kajiwara reference.

In response, the applicants have amended claims 1 and 2 to recite that a target speed value is calculated in every predetermined control cycle based at least on the detected brake pedal operation amount and a preset relationship between the target speed value and the amount of brake pedal operation. This is supported by Fig. 7 and the associated description. The present relationship is that the target speed value decreases as the brake pedal operation amount increases. This is supported at least by Fig. 8B.

According to Kajiwara, an actual vehicle speed is monitored, and the vehicle speed is controlled to a target vehicle speed that is set to the actual vehicle speed at which the target vehicle speed setting switch (cruise speed setting switch 26) is operated. There are improvements in Kajiwara reference compared with the prior art such that the actual vehicle speed is adjusted to a requisite value by operating an acceleration pedal or a brake pedal, and the target vehicle speed is set when the acceleration pedal or the brake pedal is released. That is, operation of the acceleration pedal or the brake pedal is used as a switch instead of a target vehicle speed setting switch to be additionally equipped with the travel control apparatus. Thus,

the driver can avoid a bothersome operation, for example, of pushing a target vehicle speed setting switch, after adjustment of the actual vehicle speed by operation of the acceleration pedal or the brake pedal. Therefore, the brake pedal depression sensor 8 of Kajiwara only determines on/off condition of the brake pedal by determining whether the operation amount of the brake pedal exceeds a threshold value or not.

In column 6, lines 5-17, of Kajiwara, it is mentioned that an output signal is transmitted when the brake pedal is depressed and the vehicle speed decreases based on the output signal. However, Kajiwara does not disclose that the operation amount of the brake pedal is used for vehicle speed control, and in Kajiwara, detecting the operation amount of the brake pedal is not required.

According to Kajiwara, the driver must adjust the vehicle speed by driving and waiting until the actual vehicle speed becomes the desired speed. Then the brake pedal is released, which is equivalent to switching a target vehicle speed setting switch to ON status. The speed of the vehicle when the brake pedal is released becomes a target speed for the controller, and detection of the brake pedal operation amount is not necessary. In Kajiwara, it is only necessary to detect the fact that the brake pedal is no longer being operated to set the target speed.

Kajiwara merely discloses the improvement that the release of operation of the brake pedal serves as a switch for setting the actual vehicle speed as the target vehicle speed, which is not a disclosure of the claimed invention and cannot render the claimed invention obvious.

Regarding the claimed relationship that the target speed decreases as the brake operation amount increases, Kajiwara discloses the brake operation amount as a time integration value integrated from a time at which the driver starts to depress the brake pedal to a time at which the target speed is set. That is, in Kajiwara, on the supposition that the brake pedal depression

sensor 8 can detect the brake operation amount, the target speed decreases as the time integration value, which is integrated from a time at which the driver starts to depress the brake pedal to a time at which the target speed is set, increases.

However, Kajiwara does not disclose a configuration for detecting the brake operation amount in every predetermined control cycle, as claimed. Accordingly, in Kajiwara, even if a brake operation amount detected in every predetermined control cycle is large, when the operation time of the brake pedal is short, the target speed is set to a relatively high current speed when the brake pedal is released. If a brake operation amount detected every predetermined control cycle is small, in Kajiwara, when the operation time of the brake pedal is long, the target speed is set to the relatively lower speed value at which the brake pedal is released.

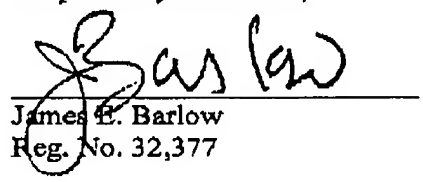
On the other hand, in the claimed invention, the operation amount of the brake pedal is detected every predetermined control cycle, the calculated target speed value is calculated based on the detected brake operation amount using the preset relationship between the brake operation amount and the target speed, and the calculated target speed value is used as the target creep speed. Further, the time to calculate the target speed is very short since the target speed is calculated in every control cycle.

Therefore, the degree of deceleration desired by the driver can rapidly be determined based on the brake operation amount. Further. the target speed is continually calculated and changed in accordance with a change of the brake operation amount. Thus. the driver can set the target speed easily.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions arise, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400